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Attorneys for Kelly Burt-Deasy

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

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In re:	Chapter 11
BED BATH & BEYOND INC., et al.	Case No. 23-13359 (VFP)
Debtor.	(Joint Administration Requested)
	Hearing Date: August 15, 2023 at 2:30 p.m.

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**CERTIFICATION OF ROBERT S. JARET, ESQ. IN SUPPORT OF MOTION  
FOR RELIEF FROM STAY**

I, Robert S. Jaret, certify and declare as follows:

1. I am an attorney duly licensed and admitted to practice law in all courts of California and am a partner of the law firm of Jaret & Jaret. I am the attorney of record for Plaintiff Kelly Burt-Deasy, Movant herein. If called to do so, I could and would testify competently to the facts set forth below.
2. At the time of the filing of the petition, Plaintiff had an action pending in the Superior Court, State of California, County of Alameda against debtor and six non-debtor co-

defendants<sup>1</sup> entitled *Kelly Burt-Deasy v. Cost Plus, Inc. a.k.a Cost Plus, a California corporation, et al.*, Case No. RG20078793 ("State Court Action"). Attached hereto as Exhibit "A" is a true and correct copy of the First Amended Complaint for Damages which alleges six claims for relief for Discrimination Based on Age, Sex/Gender, Disability, and Race in Violation of FEHA (Govt. Code §112900, et seq.); Harassment Based on Age, Sex/Gender, Disability, and Race in Violation of FEHA (Govt. Code § 12900, et seq.); Retaliation in Violation of FEHA (Govt. Code § 12900, et seq.); Failure to Take Reasonable Steps to Prevent Discrimination From Occurring in Violation of FEHA (Govt. Code § 12900, et seq.); Wrongful Termination in Violation of Public Policy; and Declaratory Relief.

3. Plaintiff seeks damages in the amount of \$1,835,781.36, including \$500,000 for emotional distress and pain and suffering. Attached as Exhibit "B" is Plaintiff's Statement of Damages. Plaintiff timely filed a proof of claim in this case, a true and correct copy of which is attached as Exhibit "C."

4. Based upon information provided to me by debtor's state court counsel, it is my understanding that the debtor is insured by a policy of insurance held by Zurich American Insurance Company, bearing policy number of DOC 0258449-03. A true and correct copy of an excerpt from the policy provided to me by debtor's counsel is attached hereto as Exhibit "D." Debtor's state court counsel has represented me that the policy covers the claims made with respect to Jack Schwefel, however, there may be coverage for the entire claim. In any event, Plaintiff seeks modification of the stay to continue the State Court Action as to the debtor to the extent of insurance coverage.

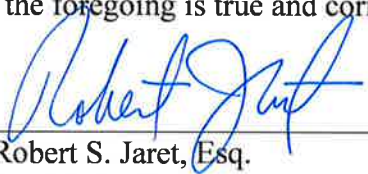
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<sup>1</sup> i.e., Cost Plus, Inc. a.k.a. Cost Plus, a California corporation; Cost Plus Management Services, Inc., a California corporation, Jonathan Schwefel a.k.a. Jack Schwefel; Cost Plus World Market, LLC, a California limited liability company; World Market, LLC, , a California limited liability company; and World Market Management Services, LLC, a California limited liability company.

5. Prior to the filing of the petition, the State Court Action was ready for trial and a trial date of August 28, 2023 had been set. However, due to the filing of the bankruptcy petition, the judge in the State Court Action has stayed the entire action, including as to the six non-debtor defendants. Therefore, relief from stay is needed in order for Plaintiff to continue to prosecute her claims in the State Court Action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 24, 2023



Robert S. Jaret, Esq.

Jaret & Jaret

Attorneys for Plaintiff and Movant Kelly Burt-Deasy